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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-sixth session
Agenda Item 6

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

Mr. Bossuyt, Mr. Boutkevitch, Ms. Chavez, Mr. Chernichenko, Ms. Koufa, Mr. Eide, Mr. Joinet, Mr. Fix Zamudio, Mr. Maxim and Ms. Palley: draft resolution

Situation of human rights in Iraq

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Recalling the Vienna Declaration and Programme of Action (A/CONF.157/23), endorsed by the General Assembly in its resolution 48/121 of 20 December 1993, and in particular part I, paragraph 1, which reaffirms inter alia, that human rights and fundamental freedoms are the birthright of all human beings and that their protection and promotion is the first responsibility of Governments,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in this field,

Mindful that Iraq is a party to the International Covenants on Human Rights and to other human rights instruments,

Recalling Security Council resolution 688 (1991) of 5 April 1991, in which the Council demanded an end to the repression of the Iraqi civilian population and insisted that Iraq cooperate with humanitarian organizations to ensure that the human and political rights of all Iraqi citizens were respected,

Recalling also Security Council resolutions 706 (1991) of 15 August 1991 and 712 (1991) of 19 September 1991,

Mindful that the United Nations has not yet sent a fact-finding mission to the marshlands region of southern Iraq,

Recalling in particular its resolution 1993/20 of 20 August 1994, in which it condemned the violations of human rights by the Government of Iraq and urged the implementation of Security Council resolution 688 (1991) of 5 April 1991, in which the Council demanded an end to the repression of Iraqi civilian population,

Deeply concerned by recent information that the population continues to flee the marshlands region, that thousands of Arab Shiah have sought refuge on the border between Iraq and the Islamic Republic of Iran because of artillery bombardment and the programme undertaken by the Iraqi Government to drain the southern marshlands, and that, in July 1994, over 1,300 women and children arrived at the border in a miserable condition, especially regarding health, and have received no assistance from the international community,

Deeply concerned also by the continued massive repression of the Arab Shiah population in the south of Iraq, particularly those who are under siege by the Iraqi armed forces there,

Disturbed by the possibility of a continued exodus of these populations, both to the border area and within Iraq itself,

Concerned that the electricity supply to large cities in Iraqi Kurdestan in the north has been cut off since August 1993, and that recently the electricity supply to large cities in the south has been reduced to two hours daily, causing more suffering for the population,

Deeply concerned about the continuing terrorist acts of the Iraqi Government, both inside and outside the country, against opposition leaders and United Nations personnel,

Deeply concerned also that Iraq still refuses to cooperate with the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Iraq, Mr. van der Stoel, and to permit him to visit Iraq to investigate human rights violations and refuses categorically to introduce a monitoring system, as had twice been requested by the General Assembly and the Commission on Human Rights,

Recalling the report of the Special Rapporteur on the situation of human rights in Iraq (E/CN.4/1994/58), in which he notes the continued massive and grave violations of human rights by the Government of Iraq, such as summary and arbitrary executions, torture and other cruel, inhuman or degrading treatment, enforced or involuntary disappearances, arbitrary arrest and detention, lack of due process and the rule of law and of freedom of thought, expression and association, as well as the existence of specific and serious discrimination within the country in terms of access to food and health care,

Noting that many international organizations and media have described the negative impact of the international embargo on the civilian population, especially the most vulnerable groups,

Deeply concerned by the internal embargo maintained by the Government against the Kurdish population in the north of Iraq and the Arab Shiah population in the southern marshlands,

1. Expresses its concern at the exceptional gravity of the human rights situation in Iraq and, therefore, welcomes the proposal of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Iraq, contained in his report (E/CN.4/1994/58), that human rights monitors be deployed;

2. Calls upon the Government of Iraq immediately to halt its artillery bombardment, to cease all draining schemes and destruction of the marshes and to lift the internal embargo imposed in October 1991 on the populations of the marshlands;

3. Appeals once again to the international community as a whole and to all Governments, including that of Iraq, to facilitate the supply of food and medicines to the civilian population;

4. Calls upon the Government of Iraq to cease its internal embargo against the north and the Shiah populations in the south, both areas which are still under siege, and to re-establish the electricity supply to both regions;

5. Also calls upon the Government of Iraq to cease its terrorist acts against opposition leaders and United Nations personnel;

6. Further calls upon the Government of Iraq to abide by Security Council resolutions 706 (1991) of 15 August 1991 and 712 (1991) of 19 September 1991, which permit the Government of Iraq to sell oil to finance humanitarian assistance for the Iraqi people;

7. Requests the United Nations humanitarian organizations concerned to speed up the delivery of aid to the persons who have sought refuge on the Border between Iraq and the Islamic Republic of Iran, and to ensure that their food and medical needs are satisfied;

8. Urges the Special Rapporteur on the situation of human rights in Iraq to visit the border and the marshlands and to report his findings to the General Assembly;

9. Requests the Secretary-General to provide all necessary assistance to the Special Rapporteur to undertake his mission;

10. Also requests the Secretary-General to call upon the Government of Iraq to cooperate with the Special Rapporteur;

11. Urges the implementation of Security Council resolution 688 (1991) of 5 April 1991 and of the recommendations of the Special Rapporteur to station permanent monitors in the area of the marshlands and establish permanent aid centres;

12. Condemns the violation of human rights by the Government of Iraq and decides to keep the situation of human rights in Iraq under review at future sessions of the Sub-Commission.